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16 SUNPOWER CORPORATION

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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA

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21 KENNETH BRISTOW, Individually and On) CASE NO.: 3:16-cv-04710-RS
22 Behalf of All Others Similarly Situated,)
23 Plaintiff,)
24 v.)
25 SUNPOWER CORPORATION, THOMAS H.)
26 WERNER, and CHARLES D. BOYNTON,)
Defendants.)

27 JAY PATEL, Individually and On Behalf of All) CASE NO.: 3:16-cv-04915-WHO
28 Others Similarly Situated,)
Plaintiff,)
v.)
SUNPOWER CORPORATION, THOMAS H.)
WERNER, and CHARLES D. BOYNTON,)
Defendants.)

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30 STIPULATION RE ADMIN. MOTION TO CONSIDER
31 WHETHER CASES SHOULD BE RELATED (CIV. L. R.
32 3-12)
33 CASE Nos. 16-cv-04710-RS, 16-cv-04915-WHO,
34 16-cv-05312-NC, 16-cv-05381-NC

1 BERNARD STERN, derivatively on behalf of) CASE NO.: 3:16-cv-05312-NC
2 SUNPOWER CORPORATION,)
3 Plaintiff,)
4 v.)
5 THOMAS H. WERNER, CHARLES D.)
6 BOYNTON, ARNAUD CHAPERON,)
7 BERNARD CLÉMENT, DENIS GIORNO,)
8 DANIEL LAURÉ, CATHERINE LESJAK,)
9 THOMAS R. MCDANIEL, HUMBERT DE)
10 WENDEL, and PAT WOOD, III,)
11 Defendants,)
12 and)
13 SUNPOWER CORPORATION ,)
14 Nominal Defendant.)
15 _____)
16 PETER MOSCONE, Derivatively on Behalf of) CASE NO.: 3:16-cv-05381-NC
17 Nominal Defendant SUNPOWER)
18 CORPORATION,)
19 Plaintiff,)
20 v.)
21 BERNARD CLÉMENT, DENIS GIORNO,)
22 CATHERINE LESJAK, ARNAUD)
23 CHAPERON, DANIEL LAURÉ, PAT WOOD)
24 III, THOMAS R. MCDANIEL, HUMBERT DE)
25 WENDEL, and THOMAS H. WERNER,)
26 Defendants,)
27 and)
28 SUNPOWER CORPORATION, a Delaware)
29 Corporation,)
30 Nominal Defendant.)
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STIPULATION RE ADMIN. MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
3-12)
CASE NOS. 16-cv-04710-RS, 16-cv-04915-WHO,
16-cv-05312-NC, 16-cv-05381-NC

1 WHEREAS, there are two shareholder class actions and two shareholder derivative
 2 actions pending in the U.S. District Court for the Northern District of California and arising out
 3 of a common set of facts, as set forth below:

4	<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
5	<i>Bristow v. SunPower Corp., et al.</i>	Case No. 16-cv-04710-RS	Aug. 16, 2016
6	<i>Patel v. SunPower Corp., et al.</i>	Case No. 16-cv-04915-WHO	Aug. 26, 2016
7	<i>Stern v. Werner, et al.</i>	Case No. 16-cv-05312-NC	Sept. 16, 2016
8	<i>Moscone v. Clement, et al.</i>	Case No. 16-cv-05381-NC	Sept. 20, 2016

9 WHEREAS, pursuant to Civil Local Rule 3-12, defendant SunPower Corporation has
 10 filed concurrently herewith an administrative motion to consider whether the *Patel*, *Stern*, and
 11 *Moscone* actions should be deemed related to the previously filed *Bristow* action and reassigned
 12 to the Honorable Richard Seeborg;

13 WHEREAS, the *Bristow*, *Patel*, *Stern*, and *Moscone* actions arise from substantially
 14 similar facts and circumstances;

15 WHEREAS, it appears likely that there will be an unduly burdensome duplication of
 16 labor and expense or conflicting results if these cases are conducted before different judges;

17 WHEREAS, defendants have not yet responded to the complaints in any of these actions;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among
 19 counsel for the undersigned parties, subject to approval of the Court, that the *Patel*, *Stern*, and
 20 *Moscone* actions should be deemed related to the first-filed *Bristow* action and reassigned to the
 21 Honorable Richard Seeborg.

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1 Dated: October 13, 2016

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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By: /s/ Steven M. Schatz
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Dated: October 13, 2016

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16-cv-05312-NC, 16-cv-05381-NC

1 Dated: October 13, 2016

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
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1 Dated: October 13, 2016

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED
2 DATED: 10/14/16


The Honorable Richard Seeger
United States District Judge

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER -5-
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
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1 I, Diane M. Walters, am the ECF user whose ID and password are being used to file this
2 STIPULATION AND [PROPOSED] ORDER IN SUPPORT OF ADMINISTRATIVE
3 MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with
4 Civil Local Rule 5-1(i)(3), I hereby attest that Steven M. Schatz, Lesley F. Portnoy, J. Alexander
5 Hood II, Evan J. Smith, and Avi N. Wagner have concurred in this filing.

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7 Dated: October 13, 2016

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By: /s/ Diane M. Walters
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